UNITED
NATIONS

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Security Council

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S/1999/391
7 April 1999

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

The attached letters are hereby circulated pursuant to the understanding reached at consultations of the whole of the Security Council held on 7 April 1999.

99-09966 (E) 070499

Annex I

Letter dated 2 April 1999 from the Secretary-General of the North Atlantic Treaty Organization addressed to the United Nations High Commissioner for Refugees

At its meeting today, the North Atlantic Council discussed the rapidly worsening humanitarian situation resulting from the continuing violence and expulsion of civilians from Kosovo by forces of the Federal Republic of Yugoslavia. We greatly appreciate the tremendous ongoing efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other relief organizations to cope with the flood of refugees under difficult circumstances. The Council has reaffirmed its willingness to contribute to these efforts.

Therefore, I have been invited to raise with you, as a matter of urgency, what possible measures the Alliance could take to assist UNHCR at this time of great need. In particular, I would be grateful if you could let me know as soon as possible the most critical requirements now facing UNHCR, in particular in the former Yugoslav Republic of Macedonia and Albania, and which could possibly be supported by the Alliance, including possible use of its civil and military assets. I understand that our staffs have already been actively discussing several possibilities in this regard.

I can assure you that the Alliance member States are prepared to make every possible effort in Albania and the former Yugoslav Republic of Macedonia to assist you in addressing this current humanitarian emergency.

(Signed) Javier SOLANA

Annex II

Letter dated 3 April 1999 from the United Nations High Commissioner for Refugees addressed to the Secretary-General of the North Atlantic Treaty Organization

Thank you very much for your letter of 2 April 1999.

I very much appreciate your offer of support to assist us in coping with the heightened humanitarian emergency caused by the mass expulsions of civilians from Kosovo. In a public statement yesterday, I urged the Federal Republic of Yugoslavia to bring an immediate halt to this forcible displacement.

Meanwhile, the Office of the United Nations High Commissioner for Refugees and its United Nations and non-governmental organization partners, in collaboration with the local authorities in the receiving countries in the region, have been doing whatever possible to meet the most urgent shelter, food aid and health needs of the refugees. The scale of the crisis is such, however, that our capacity to respond has indeed been overwhelmed. This is particularly the case in Albania and the former Yugoslav Republic of Macedonia, where over 270,000 people have arrived since 24 March 1999 and where, as you know, arrivals are continuing on an hourly basis at alarming rates. We will continue to monitor the situation and provide the necessary support in other neighbouring areas, and notably in Montenegro.

In these circumstances, any support from the Alliance member States for the humanitarian operation that would enhance our efforts to save lives would be most welcome. I should like to suggest that this operation would focus on Albania and the former Yugoslav Republic of Macedonia, where the requirements are greatest. It should cover the following four areas.

First, we would welcome continued assistance with the management of the airlift operation that we already established with your support to bring in relief supplies into the airports in Tirana and Skopje. Second, we would be grateful for support in off-loading and immediate storage of aid arriving by sea or air into Albania and the former Yugoslav Republic of Macedonia. The United Nations agencies would retain responsibility for onward distribution to the beneficiaries. Third, in response to the bilateral requests already made by Albania and the former Yugoslav Republic of Macedonia, Alliance member States could provide logistical help in the setting up of refugee camp sites. UNHCR would provide the necessary coordination, guidance and technical support. And fourth, there is an urgent need to relieve the pressure on the former Yugoslav Republic of Macedonia, which otherwise risks destabilization. I would therefore be grateful for your support to UNHCR in obtaining the agreement of Alliance member States primarily in the region - and most notably Greece - to accept some of the refugees currently in the former Yugoslav Republic of Macedonia on a temporary basis. Logistical support in transporting the refugees and accommodating them in receiving countries would also be required.

I am sure you will appreciate the importance of retaining the civilian and humanitarian nature of the aid operation in order not to unnecessarily expose the front-line States, the relief workers on the ground and the refugees themselves. UNHCR would therefore welcome your proposal that the support be provided by interested Alliance member States through the Civil Emergency Department at your Headquarters.

Should you agree, I would propose that further operational discussions take place on the ground between those responsible on your side and my staff, led by my Special Envoy, Nicholas Morris, who is currently in the former Yugoslav Republic of Macedonia. The focal point for all contacts at UNHCR headquarters is Neill Wright, under my overall direction.

Let me also mention that I have welcomed the offer of the Organization for Security and Cooperation in Europe (OSCE) in Albania and the OSCE/Kosovo Verification Mission operation in the former Yugoslav Republic of Macedonia to provide support to the humanitarian effort, notably in processing the arrivals at the border entry points where the situation is right now the most acute and dramatic.

I should like to thank you most warmly in advance for your support.

(Signed) Sadako OGATA

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LETTER DATED 6 APRIL 1999 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the text of a decision on further measures to settle the conflict in Abkhazia, Georgia, adopted in Moscow on 2 April 1999 by the Council of Heads of State of the Commonwealth of Independent States (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Sergey LAVROV
Permanent Representative of the
Russian Federation to the United Nations

99-09984 (E) 080499 080499

Annex

Decision on further measures to settle the conflict in Abkhazia, Georgia

The Council of Heads of State of the Commonwealth of Independent States,

Stressing their steadfast commitment to the sovereignty and territorial integrity of Georgia,

Reaffirming their previous decisions on the achievement of a comprehensive political settlement in Abkhazia, Georgia, in particular the decision of 19 January 1996 on measures to settle the conflict in Abkhazia, Georgia, the decision of 28 March 1997 to expand the peacekeeping operation in the conflict zone in Abkhazia, Georgia, the decision of 28 March 1997 on progress towards a settlement of the conflict in Abkhazia, Georgia, and the decision of 28 April 1998 on additional measures for the settlement of the conflict in Abkhazia, Georgia, and emphasizing the need for their strict implementation,

Stressing the importance of the Geneva and Athens meetings of the Georgian and Abkhaz parties to the conflict, with the participation of representatives of the Russian Federation in its capacity as facilitator, the Organization for Security and Cooperation in Europe and the States members of the group of Friends of the Secretary-General of the United Nations,

Noting the active role of the United Nations in the efforts to settle the conflict in Abkhazia, Georgia, and emphasizing the need to strengthen that role,

Recognizing the importance of the role of the Collective Peacekeeping Forces and the United Nations Observer Mission in Georgia in creating peaceful conditions conducive to talks between the sides with a view to advancing the settlement process,

Sharing the concern expressed by the United Nations Security Council that the sides have not signed the agreement on peace and guarantees for the prevention of armed confrontation and the protocol on the return of refugees to Gali district and measures for economic rehabilitation and supporting the recommendation that the sides resume bilateral talks to this end,

Affirming the immutable right of refugees and displaced persons to return to and reside in their places of origin in Abkhazia, Georgia,

Has decided:

1. To take note of the information provided by the Executive Secretariat of the Commonwealth of Independent States on the implementation of the decision of 28 April 1998 of the Council of Heads of State of the Commonwealth on additional measures for the settlement of the conflict in Abkhazia, Georgia.

2. States members of the Commonwealth shall continue to give their full support for the sovereignty and territorial integrity of Georgia with a view to

ensuring the speedy achievement by the sides of a comprehensive political settlement of the conflict in Abkhazia, Georgia, and the return of refugees and displaced persons to their former places of permanent residence.

3. To call on the States members of the Commonwealth of Independent States to consider favourably and make specific proposals concerning the appeal sent on 13 February 1999 by Mr. Boris N. Yeltsin, Chairman of the Council of Heads of State of the Commonwealth and President of the Russian Federation, to the heads of the States members of the Commonwealth who signed the 1994 decision of the Council of Heads of State on the use of the Collective Peacekeeping Forces in the Georgian-Abkhaz conflict zone, as well as subsequent decisions on a settlement of the conflict in Abkhazia, Georgia, regarding the assignment to the Collective Peacekeeping Forces of military contingents or observers, or other possible forms of participation in the Commonwealth's peacekeeping operations in Abkhazia, Georgia.

4. The heads of foreign policy and military departments of the States members of the Commonwealth, to whom the appeal referred to in paragraph 3 above was addressed, shall hold consultations with a view to reaching agreement on possible ways of ensuring those States' real participation in the continuation of the peacekeeping operation together with the Russian Federation, bearing in mind that the established strength of the Collective Peacekeeping Forces is 3,000.

5. The sides shall, within one month, finalize the draft agreement on peace and guarantees for the prevention of armed confrontation and the draft protocol on the return of refugees to Gali district and measures for economic rehabilitation, and shall sign those documents.

6. To agree in principle with the proposal to extend the length of stay of the Collective Peacekeeping Forces in the conflict zone in Abkhazia, Georgia, for six months or until one of the parties to the conflict expresses its wish that the operation should be terminated. A decision to this effect shall enter into force following the signing of the documents mentioned in paragraph 5. However, if the sides do not reach agreement within the designated time limit, consideration shall be given to the advisability of the continued presence of the Collective Peacekeeping Forces of the Commonwealth of Independent States in the conflict zone.

To confirm the mandate of the Collective Peacekeeping Forces of the Commonwealth of Independent States until 2 April 1999.

7. To ensure the implementation of the measures provided for in the decisions of the Council of Heads of State of the Commonwealth of 28 March 1997 and 1998 with regard to the broadening of the security zone and the redeployment of the Collective Peacekeeping Forces on the basis of the mechanism developed by the parties to the conflict.

8. To consider unacceptable any delays in the process of the organized return of refugees and displaced persons to all parts of Abkhazia, Georgia, primarily to Gali district (within its old borders) in conditions of safety.

To urge the Abkhaz side to return to this question, consider it and resolve it in a positive manner.

In the case of opposition to the return of refugees, or a threat to peace and security in the region, to consider making appropriate changes in the nature and content of the peacekeeping operation on the basis of the provisions of the Charter of the United Nations that apply in such circumstances.

9. To urge the parties to the conflict to resolve the question of the establishment, during the phase involving the return of refugees and complete normalization of life in Gali district (within its old borders), of temporary transitional administrations that would work with the direct participation of the mediators, the United Nations and the Organization for Security and Cooperation in Europe.

10. Measures for the economic rehabilitation of the region should be taken only in direct association with the process of the steady and organized return of refugees and displaced persons.

11. To instruct the Council of Ministers for Foreign Affairs and the Council of Ministers of Defence of the States members of the Commonwealth of Independent States, with a view to ensuring their coordinating role in the implementation of the decisions of the Council of Heads of State of the Commonwealth concerning a settlement of the conflict in Abkhazia, Georgia, to establish, prior to 1 July 1999, a task force composed of representatives of interested States members of the Commonwealth of Independent States, the Executive Secretariat and the Headquarters for Coordinating Military Cooperation among the States Members of the Commonwealth. The Executive Secretariat of the Commonwealth shall be responsible for the implementation of the aforementioned instruction, including the drafting of a provision concerning the task force.

12. The Council of Ministers of Defence shall, through its working body, the Headquarters for Coordinating Military Cooperation among the States Members of the Commonwealth of Independent States, be responsible for the efficient and effective management of the military aspects of the peacekeeping operation in the conflict zone.

13. To instruct the Executive Secretariat of the Commonwealth of Independent States to send a letter to the United Nations Secretariat with a request that it consider the question of including representatives of interested States members of the Commonwealth in the United Nations Observer Mission in Georgia.

14. To instruct the Council of Ministers for Foreign Affairs and the Council of Ministers of Defence of the States members of the Commonwealth, with the participation of the Commonwealth's Executive Secretariat and the Headquarters for Coordinating Military Cooperation among the States Members of the Commonwealth, to monitor the implementation of this decision.

15. To inform the United Nations Security Council of this decision of the Council of Heads of State of the Commonwealth.

Done at Moscow on 2 April 1999 in one original copy in the Russian language. The original copy shall be deposited with the Executive Secretariat of the Commonwealth of Independent States, which shall send a certified copy to each State that signed this decision.

For the Republic of Armenia:
(Signed) R. KOCHARIAN

For the Azerbaijani Republic:
(Signed) H. ALIYEV

For the Republic of Belarus:

For Georgia:
(Signed) E. SHEVARDNADZE

For the Republic of Kazakhstan:
(Signed) N. NAZARBAEV

For the Kyrgyz Republic:
(Signed) A. AKAEV

For the Republic of Moldova:

For the Russian Federation:
(Signed) B. N. YELTSIN

For the Republic of Tajikistan:
(Signed) E. RAKHMONOV

For Turkmenistan:

For Ukraine:
(Signed) L. KUCHMA

For the Republic of Uzbekistan:
(Signed) I. KARIMOV

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LETTER DATED 7 APRIL 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a communication dated 7 April 1999 which was addressed to me by the Director General of the International Atomic Energy Agency.

I should be grateful if you would have this letter distributed as a document of the Security Council.

(Signed) Kofi A. ANNAN

99-09863 (E) 080499 080499

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Annex

[Original: English]

Letter dated 7 April 1999 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

In paragraph 16 of its resolution 1051 (1996) of 27 March 1996, the Security Council called for the consolidation of the periodic requirements for progress reports under resolutions 699 (1991), 715 (1991) and 1051 (1996), and requested the Director General to submit such consolidated reports every six months to the Council, commencing on 11 April 1996.

It would therefore be appreciated if you could arrange to transmit to the President of the Security Council the enclosed seventh consolidated semi-annual report under paragraph 16 of resolution 1051 (1996). I remain available for any consultations the Council may wish to have.

(Signed) Mohamed ELBARADEI

Appendix

Seventh consolidated report of the Director General of the International Atomic Energy Agency under paragraph 16 of Security Council resolution 1051 (1996)

INTRODUCTION

1. In paragraph 16 of resolution 1051 (1996), adopted on 27 March 1996, the Security Council called for the consolidation of the periodic progress reports required under resolutions 699 (1991), 715 (1991) and 1051 (1996), and requested the Director General of the International Atomic Energy Agency (IAEA) to submit such a consolidated report every six months to the Council, commencing on 11 April 1996.

2. The Director General submits herewith the seventh[a] such consolidated report under paragraph 16 of resolution 1051 (1996).

3. As is well known, the International Atomic Energy Agency (IAEA) inspectors departed from Iraq on 16 December 1998. Since that date, IAEA has been unable to implement its mandate in Iraq under the relevant Security Council resolutions and, as a result, is unable to provide any assurance that Iraq is in compliance with its obligations under those resolutions. No contact between IAEA and Iraq on matters related to the Security Council resolutions on Iraq has occurred since 16 December 1998.

ONGOING MONITORING AND VERIFICATION

Monitoring inspections

4. Monitoring activities during the period under review (1 October 1998-1 April 1999) were impeded by Iraq's suspension of cooperation from 5 August 1998 until 16 November 1998, which severely limited the level of assurance IAEA was able to provide as to Iraq's compliance with its obligations under the relevant Security Council resolutions. Monitoring activities were interrupted for the period from 11 to 17 November 1998 owing to the temporary relocation of IAEA staff to Bahrain because of safety concerns arising from the escalating situation in Iraq. Monitoring activities were indefinitely suspended on 16 December 1998, when, because of similar concerns, IAEA staff departed from Iraq.

5. On 14 November 1998, Iraq issued a formal statement stating that it would resume cooperation with the United Nations Special Commission (UNSCOM) and IAEA. Iraq's statement rescinded the restrictions it had imposed on the activities of UNSCOM and IAEA, thus permitting resumption of all activities according to the relevant resolutions. As a result, IAEA verification personnel returned to Iraq on 17 November 1998.

6. During the period from 17 November to 13 December 1998, the IAEA Nuclear Monitoring Group carried out an intensified schedule of inspections aimed at

restoring the continuity of knowledge of the status of Iraq's nuclear and related assets, which had been compromised as a result of the interruption of inspection activities from 11 to 17 November 1998. In addition, the Nuclear Monitoring Group, with the assistance of experts from member States, carried out an extensive programme of environmental sample collection involving visits to 113 locations. As reported in document S/1998/1172 of 15 December 1998, Iraq provided the necessary level of cooperation to enable those activities to be completed efficiently and effectively.

7. The restrictions on cooperation imposed by Iraq during the period from 5 August to 16 November 1998 effectively prevented IAEA and UNSCOM from continuing their implementation of the joint programme of inspection of "capable sites", that is, sites that are deemed to have capabilities suitable for conducting work on some aspect of weapons of mass destruction, notwithstanding the lack of evidence or indication of such work. However, during the period from 17 November to 15 December 1998, 7 such inspections were carried out, bringing the total number of inspections at capable sites to more than 90. No indication of prohibited equipment, materials or activities was detected in the course of the inspections.

8. During the active part of the period under review, the Nuclear Monitoring Group carried out 86 monitoring inspections at some 58 locations, of which 7 inspections were carried out at locations not previously inspected. The number of inspections carried out under the IAEA ongoing monitoring and verification plan since the Nuclear Monitoring Group was established in August 1994 now totals some 1,625. The majority of such inspections were carried out with no prior announcement; a number of them were conducted in cooperation with UNSCOM monitoring groups.

Other ongoing monitoring and verification activities

9. Work continued on the updating and expansion of the technological components of ongoing monitoring and verification activities and procedures, in particular the consolidation of a number of those technical activities into a wide area environmental monitoring programme. Until the in-country aspects of this work were interrupted in December 1998, Iraq had been providing the necessary technical support, in particular in connection with the installation and operation of air sampling equipment by IAEA.

10. The results of analyses of the environmental samples taken in connection with the entries to presidential sites, which were carried out from 26 March to 3 April 1998, were received during the period under review. Evaluation of the results, to date, shows no indication of the presence of proscribed materials or the conduct of proscribed activities at any of the sites visited.

Declarations under the ongoing monitoring and verification plan

11. Paragraph 22 and annex 2 of the ongoing monitoring and verification plan (S/22872/Rev.1 and Corr.1) require Iraq to provide semi-annual declarations, in January and July, on the current use of certain facilities, installations and sites, including those formerly involved in its clandestine nuclear programme, and on changes during the previous six months regarding the inventory and

location of materials, equipment and isotopes identified in annexes 3 and 4 of the plan. To date, Iraq has not provided the declaration due on 15 January 1999.

Release, relocation and change of use of equipment, material and facilities

12. In the period under review, the National Monitoring Directorate of Iraq submitted eight requests to IAEA for approval of the release or relocation of equipment and materials or of the change of use of monitored buildings. The requests were processed in consultation with the Special Commission. Seven requests were approved and Iraq was notified accordingly. Iraq was advised that one request relating to the relocation and installation of lightning arrestors containing radioisotopes should be postponed pending decisions regarding the proposed replacement of all such devices with non-radioactive designs. Items for which release, relocation or change of use is approved remain subject to ongoing monitoring and verification at a frequency commensurate with their significance.

Export/import mechanism

13. The export/import monitoring mechanism for Iraq, jointly administered by UNSCOM and IAEA, has, since October 1996, received notification of some 30 transactions involving the intended export to Iraq of items identified in the annexes to the respective ongoing monitoring and verification plans. Only two of those notifications involved items (personal computers) identified in the IAEA ongoing monitoring and verification plan. It is understood that the export of those items was approved.

REMAINING QUESTIONS AND CONCERNS

14. During the period from 9 to 13 December, the leader of the IAEA Iraq Action Team, accompanied by two additional IAEA personnel, visited Baghdad to review, with senior Iraqi counterparts the status of the remaining questions and concerns related to Iraq's clandestine nuclear programme. The discussions revisited the three areas of uncertainty referred to in document S/1999/127, namely, the lack of certain documentation, in particular centrifuge design drawings obtained from foreign sources and detailed mechanical design drawings of the nuclear weapon; documentary evidence of abandonment by Iraq of its clandestine nuclear programme; and the extent of external assistance to that programme.

15. In the first two areas, the Iraqi counterpart was willing to review its explanations of the unavailability of such documentation. Although the counterpart made available for interview all requested personnel who, in the judgement of IAEA, could contribute to clarification in those areas, no further clarification was obtained.

16. Regarding the matter of "external assistance", IAEA had previously asked Iraq to assist in attempts to locate an Iraqi expatriate who had been involved in the particular case under examination. During the December 1998 discussions, the Iraqi counterpart made arrangements for IAEA to interview an individual who

was able only to confirm the country of residence of the sought-after individual. The Iraqi counterpart agreed to locate other individuals that might be better informed and to make them available for interview at a later date. The events of 16 December have interrupted that plan.

17. The opportunity was taken to clarify the findings of a detailed analysis of Iraq's uranium metal production that was recently completed by IAEA. On the basis of information available, Iraq's stated production was judged to be consistent with the findings. The Iraqi counterpart agreed to correct a number of numerical inconsistencies in the data contained in the "full, final and complete declaration".

18. The requirement under paragraph 34 of the IAEA ongoing monitoring and verification plan that Iraq adopt the necessary measures to implement its obligations under the relevant Security Council resolutions and enact penal laws to secure enforcement of those measures was again raised with the Iraqi counterpart. The counterpart tabled an earlier draft of that legislation, which appeared to be less than adequate. By way of example, IAEA provided the counterpart with copies of similar legislation, which addressed the issues in a much more comprehensive manner.

19. The December 1998 discussions were completed with a meeting with the Deputy Prime Minister of Iraq, Tariq Aziz, who, among other things, reaffirmed Iraq's intention to adopt the measures and enact the penal laws referred to above. He raised the matter of the intrusion resulting from the carrying out by IAEA of vehicle-based radiation surveys in residential areas, but stated that if IAEA was convinced of the need for such surveys there would be no objection from Iraq. The Deputy Prime Minister also reaffirmed Iraq's acceptance of the right of IAEA to continue to investigate any aspects of Iraq's clandestine nuclear programme on the basis of any information that came to its attention.

STATUS OF INTERNATIONAL ATOMIC ENERGY AGENCY VERIFICATION ACTIVITIES IN IRAQ

20. It is now more than 100 days since the last on-site inspection in Iraq. The status of IAEA verification activities in Iraq is unchanged from that reported in document S/1999/127, which was provided as a summary document to facilitate the work of the panel on disarmament and current and future ongoing monitoring and verification issues established pursuant to document S/1999/100 of 30 January 1999. The concluding paragraphs of document S/1999/127 are, for convenience, reproduced below:

> "30. The IAEA's current inability to implement its mandate in Iraq, under the relevant Security Council resolutions, renders it unable to provide any assurance that Iraq is in compliance with its obligations under those resolutions. To be able to implement its mandate and particularly to reinstate continuity of knowledge of Iraq's nuclear-related assets, it is essential that the IAEA return to Iraq as soon as possible.
>
> "31. The IAEA's extensive verification activities in Iraq, since May 1991, have yielded a technically coherent picture of Iraq's clandestine nuclear

programme. These verification activities have revealed no indication that Iraq possesses nuclear weapons or any meaningful amounts of weapon-usable nuclear material, or that Iraq has retained any practical capability (facilities or hardware) for the production of such material.

"32. However, there is an inevitable degree of uncertainty in any countrywide verification process that seeks to prove the absence of readily concealable or disguisable items or activities. It is this uncertainty which makes it essential for ongoing monitoring and verification to be a continuous process. Nonetheless, the IAEA, despite its extensive verification measures, cannot provide absolute assurance of the absence of readily concealable items, such as components of centrifuge machines or copies of weapon-related documentation. Similarly, it should be recognized that verification measures cannot guarantee detection of readily concealable or disguisable proscribed activities, such as computer-based weaponization studies, explosives experimentation or small-scale centrifuge cascade development. A statement by the IAEA that it has found 'no indication' of prohibited equipment, materials or activities in Iraq is not the same as a statement of their 'non-existence'. It is for this reason that the [ongoing monitoring and verification (OMV)] plan takes into account the prudent assumption that Iraq has retained documentation of its clandestine nuclear programme, specimens of important components and possibly amounts of non-enriched uranium. It is similarly assumed that Iraq retains the capability to exploit, for nuclear weapons purposes, any relevant materials or technology to which it may gain access in the future.

"33. Resolution of the few remaining questions and concerns ... would undoubtedly contribute to the confidence in the completeness of the technically coherent picture. However, Iraq has consistently stated that it is unable to provide any further information or documentation. In this latter regard, Iraq states that much of the requested documentation never existed and that which did exist had been unilaterally destroyed by Iraq in 1991 and 1992. The IAEA holds no credible information to confirm or refute Iraq's statements.

"34. The uncertainty deriving from the few remaining questions and concerns does not present any technical impediment to the full implementation of the IAEA's OMV plan, which takes into account those uncertainties. Provided that it is able to exercise its right to full and free access in Iraq, the IAEA is in a position to proceed with the full implementation of its OMV plan and, as part of that plan, to investigate further the remaining questions and concerns and any other aspect of Iraq's clandestine nuclear programme arising out of new information acquired by the IAEA.

"35. The scope of the activities to be carried out within the frame of the OMV plan is based upon the technically coherent picture of Iraq's clandestine nuclear programme, and remaining uncertainties are compensated for by prudent assumptions regarding Iraq's nuclear capabilities. These assumptions, as, for example, the assumption that Iraq has the capability to exploit, for nuclear weapons purposes, any relevant materials or

technology to which it may gain access in the future, are based on logical assessment rather than clear indications to that effect.

"36. It is estimated that the annual direct costs of full implementation of the IAEA OMV plan will be in the region of ten million US dollars, not including the substantial costs of logistical and other assistance provided through the Special Commission. Arrangements for the resumption of the IAEA's activities in Iraq should take into consideration the need for long-term funding of those activities."

Notes

[a] The previous consolidated reports of the Director General of IAEA were circulated as documents S/1996/261 of 11 April 1996, S/1996/833 of 7 October 1996, S/1997/297 of 11 April 1997, S/1997/779 of 8 October 1997, S/1998/312 of 9 April 1998 and S/1998/927 of 7 October 1998. Document S/1998/694, dated 27 July 1998, contained the text of an interim status report provided in response to the statement of the President of the Security Council dated 14 May 1998 (S/PRST/1998/11). Document S/1999/127, dated 9 February 1999, contained the text of an interim status report provided in response to the note by the President of the Security Council dated 30 January 1999 (S/1999/100).

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Corrigendum

Appendix, paragraph 13

For October 1996 read October 1998

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LETTER DATED 7 APRIL 1999 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that a Ministerial Meeting of the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina and Kosova was held in Geneva today, 7 April 1999, and addressed the seriously disturbing situation in Kosova. As the Chairman of the Contact Group, I have the further honour to transmit, herewith, the declaration adopted at that meeting.

It will be appreciated if this letter and its annex were to be circulated as a document of the Security Council.

(Signed) Hadi NEJAD HOSSEINIAN
Ambassador
Permanent Representative
Chairman of the OIC Contact Group on
Bosnia and Herzegovina and Kosova

Annex

Declaration of the Ministerial Meeting of the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina and Kosova

The Ministers for Foreign Affairs of the OIC Contact Group on Bosnia and Herzegovina and Kosova, meeting on 7 April 1999 in Geneva to review the recent developments in Kosova:

- Guided by the principles and purposes of the Charter of the United Nations, the Charter of the Organization of the Islamic Conference, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention on the Rights of the Child, the Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977, as well as other instruments of international humanitarian law;

- Take note of the statement of the OIC Contact Group on Bosnia and Herzegovina and Kosova in New York;

- Urge the immediate implementation of the elements contained in the draft resolution of OIC on the situation of human rights in Kosova presented before the fifty-fifth session of the Commission on Human Rights which:

  - Stipulates that the *Kosovars* must be allowed to freely determine their own political future;

  - Strongly condemns the policy of ethnic cleansing perpetrated by the Serbian authorities against the Albanian Kosovars;

  - Demands an immediate halt to all repressive actions undertaken in Kosova by the Serbian authorities and the immediate withdrawal of the Serbian military and paramilitary forces from Kosova;

  - Calls upon the international community to bring to international criminal justice the perpetrators of ethnic cleansing and all other crimes against humanity in Kosova;

  - Demands also that the Serbian authorities immediately sign and implement the Rambouillet Accords;

  - Appeals to the international community to extend all humanitarian assistance to the refugees and internally displaced persons inside and outside Kosova;

- Regret that the Security Council has been unable to discharge its responsibility in this case, in accordance with the Charter of the United Nations, and reiterate that the Security Council has the primary responsibility for the maintenance of international peace and security and that, in carrying out its duties under this responsibility, the Security Council shall act on behalf of the Members of the United Nations;

- Express their solidarity with the Kosovars and Bosniac national minorities in Sanjak region;

- Decide to establish contacts with all parties concerned at the appropriate time and further enhance their cooperation with the International Contact Group and its members as well as Kosova political leadership with the view to promote a peaceful, just and lasting settlement of the Kosova crisis and to dispatch a high-level delegation for talks with them;

- Undertake to contribute to the monitoring and peacekeeping operations in Kosova as part of international peacekeeping effort;

- Appreciate all the assistance being provided by the OIC countries to Kosovars and refugees, including the receipt of thousands of refugees from Kosova and provision of humanitarian assistance to them;

- While appreciating the efforts being made, appeal to the international community to extend all humanitarian assistance to the refugees and internally displaced persons in and outside Kosova with the view to alleviate their suffering, and request the neighbouring countries and the international community to continue to receive the Kosova refugees;

- Underscore the right of all refugees and internally displaced persons to return to their homes in safety and honour, preventing any measures taken by the Serbian authorities to evacuate the region of its original people and, in this context, demand that compensation and reparation be given to all the victims of the Serbian repression by the Serbian authorities;

- Decide to urgently mobilize humanitarian assistance for the Kosovar victims, including refugees and internally displaced persons;

- Decide also to set up a coordination group of the Permanent Representatives of the OIC Contact Group in Geneva to coordinate OIC assistance to Kosova and interact with the humanitarian agencies involved to be briefed on actions taken by the concerned agencies;

- Strongly appeal to all OIC members and to the international community as a whole to stay firm to all their commitments regarding the full implementation of all aspects of the peace process in Bosnia and Herzegovina, particularly unimpeded implementation of annex VII - Return of refugees and displaced persons to their homes of origin;

- Support the present efforts of the Office of the High Representative and the Stabilization Force to protect the peace process in Bosnia and Herzegovina in all its aspects.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/395
8 April 1999

ORIGINAL: ENGLISH

LETTER DATED 6 APRIL 1999 FROM THE PERMANENT OBSERVER FOR THE LEAGUE OF ARAB STATES TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with Article 54 of the Charter of the United Nations, I have the honour to transmit to you herewith resolution No. 5856 dated 18 March 1999, entitled "Occupation by Iran of the Arab islands in the Arabian Gulf belonging to the United Arab Emirates", adopted by the Council of the League of Arab States at its one hundred and eleventh regular session (see annex). I should be grateful if you would draw the attention of the members of the Security Council to this letter and its annex, in particular to paragraph 7 of the resolution, in which the Council of the League of Arab States decided to call the attention of the United Nations to the importance of maintaining this item on the list of matters of which the Security Council is seized (S/1999/25).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Hussein HASSOUNA
Ambassador

99-10083 (E) 080499

/...

Annex

[Original: Arabic]

Occupation by Iran of the Arab islands in the Arabian Gulf belonging to the United Arab Emirates

The Council of the League,

Having considered the memorandum by the General Secretariat,

Noting that the Iranian Government has not responded to the serious and sincere appeals by the Summit Conference of the Heads of Arab States, the Council of the League of Arab States, the States signatories to the Damascus Declaration, the Gulf Cooperation Council and the United Arab Emirates for a peaceful settlement of the dispute,

Noting also that the Iranian Government persists in occupying the three islands belonging to the United Arab Emirates and in seeking to impose the fait accompli by force,

Noting that Iran recently carried out military manoeuvres which took place inter alia on the three occupied islands of the United Arab Emirates, the Greater Tunb, the Lesser Tunb and Abu Musa, as well as in their territorial waters, and that it has set up a town council and an instruction centre on Abu Musa,

Taking into account the recommendation of the Political Committee,

1. Reaffirms all its previous resolutions on this subject;

2. Reaffirms the sovereignty of the United Arab Emirates over these three islands, the Greater Tunb, the Lesser Tunb and Abu Musa, and its unreserved support for the peaceful measures and initiatives taken by that State to regain its sovereignty over the islands;

3. Denounces the measures taken by the Iranian Government to strengthen its occupation of the three islands, as well as the violation of the sovereignty of the United Arab Emirates, which constitutes a threat to peace and security in the region;

4. Condemns the Iranian military manoeuvres which extended to the three occupied islands belonging to the United Arab Emirates, the Greater Tunb, the Lesser Tunb and Abu Musa, as well as to their territorial waters, and calls on Iran to put an end to its acts of provocation, which do not contribute to confidence-building and threaten the peace and stability of the region, as well as regional and international shipping in the Gulf;

5. Again calls on the Iranian Government to put an end to the occupation of the three islands and to the fait accompli imposed by force, and to refrain from building any infrastructure on the three islands with a view to changing

their demographic structure, to cancel all measures directed towards this end, to dismantle the facilities installed unilaterally on the three islands and to resort to peaceful means in order to settle the dispute in accordance with the principles and rules of international law, inter alia, by bringing the matter before the International Court of Justice;

6. Calls on Iran to give effect through concrete action to the intentions proclaimed by President Mohamed Khatami regarding his readiness to improve relations with the Arab States, by taking action on the sincere and serious proposals put forward by His Highness Sheikh Zayed Bin Sultan Al-Nahyan, head of State of the United Arab Emirates, the member States of the Gulf Cooperation Council, the signatory States of the Damascus Declaration and the Arab States, as well as regional and international organizations and groups and the Secretary-General of the United Nations, aimed at bringing about a peaceful settlement of the dispute over the three occupied islands belonging to the United Arab Emirates in accordance with international practice and legal instruments, through direct negotiations or recourse to arbitration by the International Court of Justice, in order to restore trust and strengthen security and stability in the region;

7. Calls the attention of the United Nations to the importance of maintaining the issue on the list of matters of which the Security Council is seized until Iran puts an end to its occupation and the United Arab Emirates regains its full sovereignty over the three islands;

8. Requests the Secretary-General to monitor developments relating to the issue and to submit a report to it at its next session.

UNITED NATIONS **S**

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S/1999/396
8 April 1999

ORIGINAL: ENGLISH

LETTER DATED 7 APRIL 1999 FROM THE PERMANENT REPRESENTATIVE OF KENYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith, for your information, a copy of a joint statement issued on the occasion of the visit by Laurent-Désiré Kabila, President of the Democratic Republic of the Congo, to the Republic of Kenya on 6 April 1999 (see annex).

I should be obliged if you would have the text of the joint statement circulated to members of the Council.

(Signed) Njuguna M. MAHUGU, OGW
Ambassador
Permanent Representative

99-10089 (E) 080499

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Annex

Joint statement issued on the occasion of the visit by the President of the Democratic Republic of the Congo to the Republic of Kenya on 6 April 1999

1. At the invitation of His Excellency President Daniel arap Moi, His Excellency President Laurent-Désiré Kabila of the Democratic Republic of the Congo made a two-day visit to Kenya on 6 and 7 April 1999.

2. His Excellency President Moi and His Excellency President Kabila had lengthy discussions focusing on the problems in the Democratic Republic of the Congo and agreed on an urgent need to restore peace in the Congo to enable the people of the Republic to pursue development activities.

3. His Excellency President Kabila expressed his desire for an urgent end to the conflict in the Democratic Republic of the Congo and said he was ready for talks with rebels and other stakeholders in the Republic.

4. The two Presidents agreed that the subject of national debate should include the process of acceding to power through popular elections, the question of a new constitutional dispensation and the formulation of laws to govern the formation and operation of political parties.

5. His Excellency President Moi offered Nairobi to be the venue for the all-inclusive talks and further agreed to consult with all parties with a view to inviting the Government of the Democratic Republic of the Congo and all Congolese groups which are stakeholders to attend.

UNITED
NATIONS

S

Security Council

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GENERAL

S/1999/397
8 April 1999
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 8 APRIL 1999 FROM THE PERMANENT REPRESENTATIVE OF TUNISIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The States members of the Council of the League of Arab States wish to express their gratitude to Mr. Kofi Annan, Secretary-General of the United Nations, to the Custodian of the Two Holy Mosques, King Fahd Bin Abdul-Aziz Al Saud, Sovereign of the Kingdom of Saudi Arabia, to H.R.H. Abdullah Bin Abdul-Aziz Al Saud, Crown Prince, First Deputy Prime Minister and Commander of the National Guard of the Kingdom of Saudi Arabia, and to President Nelson Mandela, President of South Africa, as well as to all heads of State and to international and regional organizations for the efforts they have made to settle the dispute over the so-called Lockerbie affair.

On the basis of resolution No. 5848 of 18 March 1999, adopted by the Council of the League of Arab States at its one hundred and eleventh session and communicated to the Security Council on 25 March 1999, the member States:

1. Welcome the press release of the President of the Security Council dated 5 April 1999, in which he announced the suspension of the coercive measures imposed on the Libyan Arab Jamahiriya, following the substantive and practical measures taken by the Libyan Arab Jamahiriya to settle the dispute peacefully.

2. Emphasizes that it is important for the Security Council to adopt a resolution in which it confirms the suspension of the above measures, all the more so in that Security Council resolution 1192 (1998), paragraph 8, does not oppose the adoption of a clear resolution by the Council announcing the suspension of these measures and does not deny the need for such a resolution.

3. Also emphasizes the need to lift as soon as possible the measures imposed on the Libyan Arab Jamahiriya, within not more than 90 days, as provided for in resolution 883 (1993) and confirmed in resolution 1192 (1998).

4. Invites the Security Council to call on all States that have taken measures and decisions in implementation of resolutions 748 (1992) and 883 (1993) to announce their suspension.

5. Requests that the text of the present letter be circulated as a document of the Security Council.

(Signed) Ali HACHANI
Ambassador
Permanent Representative of Tunisia
and Chairman of the Group of Arab States

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/398
8 April 1999

ORIGINAL: ENGLISH

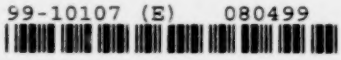
LETTER DATED 6 APRIL 1999 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith a letter from the President of the Bar Association of Belgrade addressed to the Security Council (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-10107 (E) 080499



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Annex

Letter dated 1 April 1999 from the President of the Bar Association of Belgrade to the Security Council

We recall that on 12 October 1998 the Bar Association of Belgrade addressed an appeal to you and called directly on Mr. Kofi Annan, Secretary-General of the United Nations Organization, requesting that Chapter VII of the Charter of the United Nations and all the established principles of international law be respected, pointing to the disastrous consequences of the possibility, only then announced, of the use of force by NATO against Yugoslavia.

The NATO aggression carried out on 24 March 1999 against our sovereign country, one of the founders of the United Nations Organization, without our reaction, and your subsequent refusal of the draft resolution submitted by Russia to the effect that the use of force be ceased have brought into question not only the established norms of international law, but also the authority and power of the Security Council as a whole.

We call on you to stop the aggression and prevent the death and suffering of the people of Yugoslavia.

We call on you, on behalf of your own conscience, to protect the authority of the United Nations Organization and the principles by which the international community has lived in the second half of this century, and thus restore mankind's confidence in the United Nations Organization which has been seriously shattered by the NATO aggression against Yugoslavia.

We call on you to stop aggression while it is not too late and prevent a catastrophe of broader proportions.

(Signed) Vladimir SESLIJA
President of the Bar Association of Belgrade

UNITED
NATIONS

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General Assembly
Security Council

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A/53/904
S/1999/399
8 April 1999
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-third session
Agenda items 40 and 110
THE SITUATION IN THE MIDDLE EAST
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 8 April 1999 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to my earlier letters concerning Israel's practices in the part of Lebanon it occupies, I regret to inform you that on Tuesday, 6 April 1999, Israeli occupation forces ejected 18 residents of Shab'a from the occupied zone by way of the Zimriya crossing. Most of them were older persons, women and children. They were expelled as a reprisal after four members of the so-called "South Lebanon Army", which collaborates with the occupation, had fled to the liberated areas. With this large-scale expulsion, the number of residents expelled from Shab'a since the beginning of the year has risen to 70, a number that is likely to rise further if Israeli policy remains as it is.

Israeli occupation forces recently carried out reprisals against the inhabitants of Hasbaya by subjecting them to a lengthy siege, and they have also imposed a month-long siege on Ibl al-Saqi.

In bringing to your attention these facts concerning Israeli abuse of Lebanese civilians, which is incompatible with the 1949 fourth Geneva Convention, the 1948 Universal Declaration of Human Rights, the Charter of the United Nations and international norms, we request that the necessary efforts be made to return the deportees to their villages and to halt the abusive Israeli practices against civilians in the occupied areas. It would appear to be most essential for the members of the Security Council, and especially its permanent members, to take an initiative with the Government of Israel with a view to ending an anomalous situation that poses a threat to the lives and security of the inhabitants of the occupied areas of Lebanon.

I request you to have this letter circulated as a document of the General Assembly, under agenda items 40 and 110, and of the Security Council.

(Signed) Samir MOUBARAK
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/400
9 April 1999
ENGLISH
ORIGINAL: ENGLISH AND FRENCH

DRAFT RESOLUTION

The Security Council,

Recalling the statements by its President of 31 August 1998 (S/PRST/1998/26) and of 11 December 1998 (S/PRST/1998/36),

Expressing its concern at the further deterioration of the situation in the Democratic Republic of the Congo and the continuation of hostilities,

Expressing its firm commitment to preserving the national sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all other States in the region,

Recalling that the Assembly of the Heads of State and Government of the Organization of African Unity during its first ordinary session held in Cairo from 17 to 21 July 1964, adopted in its resolution AHG 16(1) the principle of the inviolability of national frontiers of African States, as stated in paragraph 2 of the communiqué of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution issued on 17 August 1998 (S/1998/774, annex),

Concerned at reports of measures taken by forces opposing the Government in the eastern part of the Democratic Republic of the Congo in violation of the national sovereignty and territorial integrity of the country,

Expressing its concern at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo, including acts of and incitement to ethnic hatred and violence by all parties to the conflict,

Deeply concerned at the illicit flow of arms and military matériel in the Great Lakes region,

Recalling the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,

Welcoming the appointment by the Secretary-General of his Special Envoy for the peace process for the Democratic Republic of the Congo,

Stressing that the present conflict in the Democratic Republic of the Congo constitutes a threat to peace, security and stability in the region,

1. Reaffirms the obligation of all States to respect the territorial integrity, political independence and national sovereignty of the Democratic Republic of the Congo and other States in the region, including the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations, and further reaffirms the need for all States to refrain from any interference in each other's internal affairs, in accordance with the Charter of the United Nations;

2. Deplores the continuing fighting and the presence of forces of foreign States in the Democratic Republic of the Congo in a manner inconsistent with the principles of the Charter of the United Nations, and calls upon those States to bring to an end the presence of these uninvited forces and to take immediate steps to that end;

3. Demands an immediate halt to the hostilities;

4. Calls for the immediate signing of a ceasefire agreement allowing the orderly withdrawal of all foreign forces, the re-establishment of the authority of the Government of the Democratic Republic of the Congo throughout its territory, and the disarmament of non-governmental armed groups in the Democratic Republic of the Congo, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and to the holding on an early date of democratic, free and fair elections, and for the provision of arrangements for security along the relevant international borders of the Democratic Republic of the Congo;

5. Welcomes the intention of the Government of the Democratic Republic of the Congo to hold an all-inclusive national debate as a precursor to elections, and encourages further progress in this respect;

6. Calls upon all parties to the conflict in the Democratic Republic of the Congo to protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 1949 and the Additional Protocols of 1977, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948;

7. Condemns all massacres carried out on the territory of the Democratic Republic of the Congo and calls for an international investigation into all such events, including those in the province of South Kivu and other atrocities as referred to in the report submitted by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo in accordance with resolution 1999/61 of the fifty-fifth session of the Commission on Human Rights (E/CN.4/1999/31), with a view to bringing to justice those responsible;

8. Condemns the continuing activity of and support to all armed groups, including the ex-Rwandese Armed Forces, Interahamwe, and others in the Democratic Republic of the Congo;

9. Calls for safe and unhindered access for humanitarian assistance to those in need in the Democratic Republic of the Congo, and urges all parties to the conflict to guarantee the safety and security of United Nations and humanitarian personnel;

10. Welcomes the commitment by the parties to the conflict in the Democratic Republic of the Congo to stop fighting in order to allow an immunization campaign and urges all parties to the conflict to take concrete action in order to provide greater protection to children exposed to armed conflict in the Democratic Republic of the Congo;

11. Expresses its support for the regional mediation process by the OAU and Southern African Development Community to find a peaceful settlement to the conflict in the Democratic Republic of the Congo and calls upon the international community to continue to support these efforts;

12. Urges all parties to the conflict to continue to work constructively through the regional mediation process towards the signing of a ceasefire agreement and settlement of the conflict in the Democratic Republic of the Congo, and calls upon all States in the region to create the conditions necessary for the speedy and peaceful resolution of the crisis and to desist from any act that may further exacerbate the situation;

13. Expresses its support for the Special Envoy of the Secretary-General for the peace process in the Democratic Republic of the Congo, calls upon all parties to the conflict to cooperate fully with him in his mission in support of regional mediation efforts and national reconciliation, as set out in his mandate (S/1999/379), and urges Member States and organizations to respond readily to requests from the Special Envoy for assistance;

14. Reaffirms the importance of holding, at the appropriate time, an international conference on peace, security and stability in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity, with the participation of all the Governments of the region and all others concerned;

15. Reaffirms its readiness to consider the active involvement of the United Nations, in coordination with the Organization of African Unity, including through concrete sustainable and effective measures, to assist in the implementation of an effective ceasefire agreement and in an agreed process for political settlement of the conflict;

16. Requests the Secretary-General of the United Nations to work closely with the Secretary-General of the Organization of African Unity in promoting a peaceful resolution of the conflict, to make recommendations on the possible role of the United Nations to this end, and to keep the Council informed of developments;

17. Decides to remain actively seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/401
9 April 1999

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

1. The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) of 3 April 1991.

2. The present report is the seventh report by the Executive Chairman of the Commission following the adoption of Security Council resolution 1051 (1996) of 27 March 1996, in paragraph 16 of which the Council called for the consolidation of the reports required under the Council's resolutions 699 (1991) of 17 June 1991 and 715 (1991) of 11 October 1991.[1]

Notes

[1] The Commission's 24 previous reports called for under these resolutions are contained in documents S/23165, S/23268, S/23801, S/24108 and Corr.1, S/24661, S/24984, S/25620, S/25977, S/26684, S/26910, S/1994/489, S/1994/750, S/1994/1138 and Corr.1, S/1994/1422 and Add.1, S/1995/284, S/1995/494, S/1995/864, S/1995/1038, S/1996/258, S/1996/848, S/1997/301, S/1997/774, S/1998/332, S/1998/529 and S/1998/920.

Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 5	3
II.	DEVELOPMENTS IN RELATIONS BETWEEN IRAQ AND THE SPECIAL COMMISSION	6 - 28	3
III.	DISARMAMENT ISSUES	29 - 39	7
	A. Proscribed missiles	29 - 31	7
	B. Chemical weapons	32	8
	C. Biological weapons	33 - 36	8
	D. Other investigations	37 - 39	9
IV.	ONGOING MONITORING AND VERIFICATION	40 - 52	9
	A. Missile activities	40 - 44	9
	B. Chemical activities	45 - 47	10
	C. Biological activities	48 - 49	11
	D. Declarations and national implementation measures	50 - 51	11
	E. Export/import monitoring activities	52	11
V.	OTHER ISSUES	53 - 54	12
	A. Air surveillance activities	53	12
	B. Provision of assistance	54	12
VI.	CONCLUSIONS	55 - 56	12

I. INTRODUCTION

1. The present report covers the period from 6 October 1998 to 11 April 1999. It describes the activities of the Special Commission under the mandates given to it under resolutions 687 (1991), 707 (1991), 715 (1991) and 1051 (1996), and records the main developments in its relations with Iraq.

2. Under the terms of resolutions 1115 (1997) and 1134 (1997), the Executive Chairman is requested to include in his consolidated progress reports an annex evaluating Iraq's compliance with paragraphs 2 and 3 of resolution 1115 (1997), in which the Security Council calls, inter alia, for full cooperation, access to sites and individuals.

3. On 31 October 1998, Iraq terminated all of the Commission's activities in Iraq. The Commission's personnel were withdrawn on 11 November 1998 and did not return to Iraq until 17 November 1998 following a decision by Iraq, on 14 November 1998, which made that possible (S/1998/1078, annex).

4. In the period from 17 November to 15 December 1998, the status of Iraq's cooperation with the Commission was the subject of a series of special reports by the Executive Chairman to the Security Council (see, in particular, S/1998/1172 and Corr.1). It is suggested that these special reports, the cessation of all cooperation since the middle of December 1998, and the body of this report be taken as meeting the reporting requirements under resolutions 1115 (1997) and 1134 (1997).

5. On 16 December 1998, the Commission again withdrew its personnel from Iraq. The Commission has carried out no work in Iraq since that time.

II. DEVELOPMENTS IN RELATIONS BETWEEN IRAQ AND THE SPECIAL COMMISSION

6. Following the submission of the Commission's semi-annual report (S/1998/920) to the Security Council on 6 October 1998, the Executive Chairman briefed the Council, on 13 October 1998, on the broad themes outlined in that report.

7. On 26 October 1998, the Executive Chairman addressed a letter to the President of the Security Council (S/1998/995), attaching a copy of a report of a group of international experts on the chemical warfare agent VX. The group of experts, which had met in New York on 22 and 23 October 1998, recommended that Iraq be invited to explain and to provide further information on certain aspects of its VX programme.

8. On 30 October 1998, the President of the Security Council addressed a letter to the Secretary-General setting out the initial views of the members of the Security Council on how a comprehensive review of Iraq's compliance with its obligations under the resolutions, referred to in resolution 1194 (1998), would proceed.

9. On 31 October 1998, the Government of Iraq announced that it had decided to suspend, stop or cease all activities of the Special Commission, including monitoring activities, and that the monitoring teams would not be allowed to conduct any activities. The Deputy Executive Chairman of the Commission informed the President and the members of the Council of Iraq's decision in a letter dated that same day (S/1998/1023). Iraq's October 1998 announcement followed its earlier decision of August 1998 to bring to an end the Commission's disarmament activities in Iraq.

10. In a press statement on 31 October 1998, the members of the Security Council unanimously condemned Iraq's decision to cease all cooperation with the Commission, terming Iraq's decision a flagrant violation of relevant Council resolutions and of the memorandum of understanding (S/1998/166) signed between the Secretary-General and the Deputy Prime Minister of Iraq on 23 February 1998. The members also demanded that the Iraqi leadership rescind, immediately and unconditionally, its decision of that day and its decision of 5 August 1998 to limit cooperation with the Commission and the International Atomic Energy Agency (IAEA), as previously demanded by the Council in its resolution 1194 (1998).

11. On 4 November 1998, at the request of the Security Council, the Executive Chairman provided it with a technical report on the consequences of Iraq's decision of 31 October (S/1998/1032). He informed the Council that the Commission was not in a position to provide the Council with any level of assurance of Iraq's compliance with its obligations not to retain proscribed weapons or re-establish related activities.

12. On 5 November 1998, the Security Council unanimously adopted resolution 1205 (1998), in which, inter alia, it condemned Iraq's decision of 31 October, terming it a flagrant violation of resolution 687 (1991), and demanded that Iraq rescind immediately and unconditionally its decisions of 31 October and 5 August to suspend cooperation. The Council also reaffirmed its full support for the Commission and IAEA in their efforts to ensure the implementation of their mandates, as well as for the Secretary-General in his efforts to seek full implementation of the memorandum of understanding of 23 February 1998. The Council further reaffirmed its intention to act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the prohibitions referred to in that resolution, and noted that by its failure so far to comply with its relevant obligations, Iraq had delayed the moment when the Council could do so (see S/PV.3939).

13. On the evening of 10 November 1998, the Executive Chairman decided to remove all of the Commission's personnel from Iraq. The Executive Chairman explained the circumstances surrounding the decision in a letter to the President of the Council dated 11 November (S/1998/1059), indicating that the prime consideration which motivated the decision and the speed at which it was executed was the safety of the Commission's staff in Iraq. The process of arriving at that decision included consultations with the President of the Council, the Director General of IAEA, and because of the presence of a significant contingent from the Chilean Air Force, the Acting Permanent Representative of Chile to the United Nations. The Office of the Secretary-General was informed about the decision. The Executive Chairman stated that the personnel concerned would remain in Bahrain pending decisions by

the Government of Iraq enabling them to return immediately to Baghdad. The entire contingent withdrew from Iraq to Bahrain on 11 November.

14. On 11 November 1998, the Secretary-General addressed a personal appeal to the President of Iraq to rescind Iraq's decisions and resume immediate cooperation with the Commission and IAEA (S/1998/1077, annex I).

15. On 13 November 1998, the Secretary-General wrote to the President of Iraq appealing once again for Iraq to resume cooperation with the Special Commission and IAEA (S/1998/1077, annex I).

16. On 14 November 1998, the Deputy Prime Minister of Iraq responded to the Secretary-General's letter of 13 November to the President of Iraq, stating that the goal of Iraq's decisions of 5 August and 31 October had not been to sever relations with the Special Commission and IAEA (S/1998/1077, annex II). He stated that Iraq had dealt with the Secretary-General's initiative regarding a comprehensive review, but unfortunately the deliberations of the Security Council on the procedures for carrying out the review had not resulted in a clear picture ensuring fairness and objectivity in reaching the implementation of paragraph 22 of resolution 687 (1991). However, in the light of the Secretary-General's letter under reply and assurances from a number of members of the Council, the leadership of Iraq had decided to resume working with the Special Commission and IAEA and to allow them to perform their normal duties in accordance with the relevant resolutions of the Security Council and on the basis of the principles of the 23 February 1998 memorandum of understanding. The Deputy Prime Minister transmitted with his letter a statement setting out the position of Iraq on a comprehensive review.

17. Following several meetings of the Council on 14 and 15 November 1998, the President of the Council issued a statement to the press (SC/6596/IK 258). He noted the statement contained in the letter of 14 November from the Deputy Prime Minister of Iraq, as clarified by the subsequent letters of 14 November to the President of the Council from the Ambassador of Iraq (S/1998/1079), that Iraq had decided, clearly and unconditionally, to cooperate fully with the Commission and IAEA, and that this decision constituted a rescinding of the decisions of 5 August and 31 October. The statement noted that the Council's confidence in Iraq's intentions needed to be established by unconditional and sustained cooperation with the Commission and IAEA. The Council members reaffirmed their readiness to proceed with a comprehensive review once the Secretary-General had confirmed, on the basis of reports from the Commission and IAEA, that Iraq had returned to full cooperation.

18. On 17 November 1998, the staff of the Commission and IAEA, normally based at Baghdad, returned to Iraq and resumed their work.

19. In the context of the Commission's resumption of work in Iraq, the Executive Chairman wrote three letters, on 17, 18 and 19 November 1998, to the Deputy Prime Minister of Iraq, seeking documents and explanations from Iraq in an attempt to bring to account outstanding priority disarmament issues and to increase the level of verification available to the Commission (S/1998/1106). In response to the request for specific documentation, some of which had been long-standing, Iraq, in essence, stated that the documents had either never

existed, could not be found or were not relevant to the Commission's activities (S/1998/1108). Iraq provided one set of documents out of the substantial quantity requested, which in the view of the Commission failed to satisfy the nature of the information solicited. Iraq did not provide to the Commission the Air Force document on the consumption of special munitions during the Iran/Iraq war which it had seized from a Chief Inspector on 8 July 1998.

20. With respect to the explanations and clarifications sought, Iraq declined to furnish the Commission with any further information on its biological warfare programme. Iraq did not provide the information required with respect to the disposition of certain chemical warfare munitions which would have permitted the sending of a team to continue verification of this outstanding issue (S/1998/1127). Iraq's replies on other points raised by the Executive Chairman did not advance the Commission's ability to settle any of the outstanding issues. In the main, Iraq repeated its previously stated positions.

21. In response to the wishes of Council members, expressed during informal consultations on 24 November 1998, the Commission provided the Council brief weekly reports on its activities. The first such report was sent on 3 December 1998 and a second report was submitted on 9 December 1998. On 14 December 1998, the Deputy Prime Minister of Iraq addressed a letter to the Secretary-General (S/1998/1173), enclosing a report by Iraq on the activities of the Commission and IAEA in Iraq from 18 November to 13 December, with Iraq's comments thereon.

22. On 15 December 1998, the Executive Chairman provided a report to the Secretary-General on the level of cooperation offered by Iraq in the period since 17 November (S/1998/1172, annex II). In that report, the Executive Chairman recalled the press statement by the President of the Security Council (see para. 17 above), and noted that the work of the Commission, when it resumed its work in Iraq on 17 November, was accordingly focused on four main areas, pursuant to the Commission's mandate: requests for information through access to documents and interviews of Iraqi personnel; monitoring inspections; inspections of capable sites; and disarmament inspections relating to proscribed weapons and activities. The Executive Chairman concluded that in the light of the experience in seeking to implement this comprehensive programme, Iraq had not provided the full cooperation it had promised on 14 November, and recorded that the Commission was not able to conduct the substantive disarmament work mandated to it by the Security Council and thus to give the Council the assurances it required with respect to Iraq's prohibited weapons programmes.

23. On the same day, 15 December 1998, the Secretary-General transmitted the Chairman's report to the Security Council (S/1998/1172 and Corr.1).

24. On 16 December 1998, the Executive Chairman wrote to the President of the Council,* confirming his previous evening's conversation with the President, during which he told the President that he had decided to remove all the Commission's personnel from Iraq. IAEA personnel also departed. This decision was taken in consultation with IAEA. The Executive Chairman's letter noted that

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* Text circulated informally to all members of the Security Council.

the prime considerations in his decision were to ensure the safety and security of the Commission's personnel and the need to act immediately.

25. On 16 December 1998, military action was initiated against Iraq by the United States and the United Kingdom (S/1998/1181 and S/1998/1182).

26. On 25 January 1999, the Executive Chairman submitted to the President of the Council two reports, one on the current state of affairs with respect to the disarmament of Iraq's proscribed weapons, the second on ongoing monitoring and verification in Iraq. Work on reports had been under way for several months as part of the preparation for a possible comprehensive review by the Council of Iraq's compliance with its obligations under relevant resolutions (S/1998/920, para. 77). It was thought that these materials, (consolidated as S/1999/94, annex) might be useful to members of the Council.

27. On 30 January 1999, the President of the Security Council issued a note stating that the Council had decided that it would be useful to establish three separate panels and to receive recommendations from them no later than 15 April 1999 (S/1999/100).

28. The panel on disarmament and current and future ongoing monitoring and verification issues was tasked to assess all the existing and relevant information available, including data from ongoing monitoring and verification, relating to the state of disarmament in Iraq and to make recommendations, taking into account relevant Security Council resolutions, on how to re-establish an effective disarmament/ongoing monitoring and verification regime in Iraq. The panel involved the participation of members and experts from the Special Commission. On 27 March 1999, the Chairman of the panel provided to the President of the Security Council the final report of the panel on disarmament and current and future ongoing monitoring and verification issues (S/1999/356, annex I).

III. DISARMAMENT ISSUES

A. Proscribed missiles

29. As a result of Iraq's decision of 5 August 1998 to cease cooperation with the Commission and halt its disarmament activities in Iraq, the Commission was unable to continue its disarmament inspections until 17 November 1998. Following this period, the Commission resumed its work in Iraq aimed at the resolution of priority outstanding disarmament issues in the missile area.

30. On 6 December 1998, an inspection team visited two sites used by Iraq to hide biological and chemical warfare warheads for Al Hussein missiles prior to their declared unilateral destruction, stated by Iraq to have occurred in 1991. During these visits, the team marked specific storage pits that were identified by the Iraqi officers responsible for the activity at these sites. The team interviewed these officers and the Commission's aerial inspection team took photographs of the sites. Based on these site surveys, the Commission has established that discrepancies remain between the available evidence of the

storage and movement of special missile warheads and Iraq's declarations, of July 1998, on their storage and unilateral destruction.

31. In the Executive Chairman's letter to Iraq's Deputy Prime Minister of 19 November 1998 (S/1998/1106), referred to earlier in the present report, the Commission reiterated its request of 5 August 1998 for the removal from Iraq, for laboratory analysis, of liquid propellant engine components from Iraq's proscribed indigenous missile production programme. The Commission views the analysis of these components as critical to its verification of Iraq's declarations concerning the achievements in its indigenous programme. In its letter of response of 25 November 1998 (S/1998/1125), Iraq stated that in its view the request for analysis was not justified on technical or scientific grounds. On 4 December 1998, the Commission's experts met with Iraq's representatives to discuss again the release of these components. On 6 December 1998, Iraq's representatives reiterated the official negative response.

B. Chemical weapons

32. It was not possible to pursue any disarmament activities in Iraq in the chemical weapons area in the period under review. Iraq's unilateral claim of August 1998 that all outstanding disarmament issues had been resolved is in contrast to the Commission's findings on the status of the verification of Iraq's declarations on its proscribed chemical weapons activities. Iraq refused to provide documents and evidence required for the further verification of those proscribed activities requested by the Commission.

C. Biological weapons

33. As the result of Iraq's decision of 5 August 1998 to stop the Commission's disarmament activities in Iraq, the Commission was unable to continue its disarmament inspections until returning to Iraq on 17 November 1998. Subsequently, three biological disarmament inspections were sent to Iraq to resume investigation of various aspects of Iraq's proscribed biological warfare programme.

34. An inspection team was in Iraq from 1 to 6 December 1998 and pursued the investigation on microbial agent research for biological warfare purposes and Iraq's planning for biological warfare agent production and weaponization. The team conducted numerous interviews with Iraq's representatives. These interviews yielded no new information that would enable clarification of outstanding issues.

35. A second inspection team was in Iraq from 6 to 10 December 1998, and held discussions with Iraqi officials on bacterial growth media for Iraq's biological warfare programme. The team requested Iraq to provide several specific documents to support its declaration, including a logbook with records of relevant imports for the biological warfare programme. Iraq did not provide the documents requested. The team also revealed to Iraq documentary evidence of the import of growth media for the biological warfare programme, previously not

included in Iraq's declarations. Subsequently, Iraq admitted that this undeclared import had occurred, and as a result Iraq has recently provided to Council members an informal paper in which it has revised its previous statements on the material balance of growth media.

36. Another inspection team was in Iraq from 10 to 16 December 1998 to explore the consumption of growth media (yeast extract) by Iraq, and investigated issues related to its importation and possible connection with the biological warfare programme. The team was able to clarify aspects of the end use of this importation of growth media.

D. Other investigations

37. During the period under review, the Commission continued its inspections of sites on which Iraq does not submit reports as to their activities. Several multidisciplinary inspections were conducted in the period October to December 1998. The purpose of the inspections was to ensure the absence of prohibited activities and undeclared dual-use equipment at those sites. No prohibited activities were identified at the sites. However, some dual-use biological and chemical equipment which Iraq had not declared to the Commission was found (see paras. 46 and 49 below).

38. During the period 8 to 12 December 1998, a Commission team conducted an inspection of sites in Iraq, the aim being to locate proscribed documents and items related to Iraq's weapons of mass destruction programmes. The team inspected six sites located either at Baghdad or in close proximity to it. On several occasions during the inspection process, Iraq made efforts to frustrate and harass the inspection team while the team was performing its mandated tasks.

39. At a site designated for inspection on 9 December 1998, protracted discussions on access to the site between the Chief Inspector and his Iraqi counterpart failed to yield satisfactory access. During these discussions, Iraq sought to introduce various new requirements, including a formal letter of request indicating what was being sought at the site. Similarly, on 10 December 1998, Iraq delayed the team's access to another site for 45 minutes on the grounds that it was "sensitive". On gaining access to the site, it was found to have been deliberately emptied of its contents. In the light of such evidence that Iraq had taken advance actions at certain of the locations planned for inspection in order to defeat the purposes of inspection, the Executive Chairman decided not to conduct the full range of inspections that the team had planned.

IV. ONGOING MONITORING AND VERIFICATION

A. Missile activities

40. In its efforts to strengthen its monitoring of Iraq's non-proscribed missile activities, the Commission decided to obtain additional independent technical means of verification. During the period 3 to 15 December 1998, the Commission's non-resident team conducted a survey of a primary missile flight

testing site in Iraq in preparation for the intended deployment of a missile in-flight tracking system to be operated by the Commission. The scope of the survey was coordinated with Iraq and was conducted in a cooperative environment. Despite its early withdrawal on 16 December, the Commission's team was able to complete all objectives of the survey. Preparation for the deployment of a precision tracking system have proceeded, considering the importance of such equipment as a part of future monitoring in the missile area.

41. Iraq has progressed in its efforts to test indigenously produced or modified missiles, in particular the Samoud system, which has a declared range of 149 kilometres. The Commission continued to supplement its missile monitoring team at the Baghdad Monitoring and Verification Centre with additional experts in missile testing in order to observe and assess Iraq's pre-test, test day and post-test activities. Inspections were conducted to observe missile test preparations or actual test activities, both static and flight.

42. During the period 1 to 14 December 1998, the Commission conducted its third verification inspection in 1998 of Iraq's operational missiles to ensure that such missiles have not been modified for proscribed ranges or purposes. The team checked Commission tags on 249 missiles and verified the consumption of one missile in a flight test. No proscribed modification activities were detected during inspections of Iraq's operational missiles in 1998.

43. During the period from 11 October to 15 December 1998, the resident missile monitoring team conducted some 100 inspections, of which 60 were no-notice inspections and four were joint inspections with other weapons disciplines. During the period 6 to 31 October 1998, the monitoring team experienced several instances in which Iraq refused requests for test data for monitored items and refused to permit photography of items at declared facilities. In these cases, Iraq's representatives stated that the refusals were based on Iraq's own determination that the data and photographs were not relevant to missile monitoring. During the later period, 17 November to 15 December 1998, no such incidents occurred.

44. On 5 December 1998, the missile monitoring team conducted a compliance inspection of a site at Baghdad in order to verify information provided to the Commission that offices at this site had been involved in proscribed or undeclared missile activities. Iraq cooperated in the inspection of this site, and facilitated access to private offices and residences. No ongoing proscribed activity was identified at the site.

B. Chemical activities

45. During the reporting period, one non-resident chemical monitoring inspection was conducted from 22 to 28 November 1998. The team continued previous efforts related to monitoring chemical emissions at a number of industrial facilities and chemical storage sites in Iraq. This mission used an Open-Path Fourier Transform Infrared Spectrometer. No proscribed activities were detected.

46. The resident chemical monitoring teams conducted 57 inspections of chemical facilities and related sites. Ten of these inspections were carried out in conjunction with other weapons disciplines. The inspections discovered a number of pieces of dual-use equipment not declared by Iraq (e.g., storage vessels, alloy sheet metal, pipes, valves and production equipment). The chemical monitoring teams inspected 213 pieces of tagged dual-use chemical production equipment. No proscribed activities were discovered.

47. The chemical monitoring teams encountered serious restrictions on carrying out its mandate. These restrictions, carried out from the time of Iraq's August 1998 decision, sought to limit the range of sites to which access would be granted. There were problems regarding access to specific buildings and objections to inspections on Fridays and holidays. In one instance, the Commission's right to take photographic and video records of relevant munitions and other items was disputed by Iraq (S/1998/1172 and Corr.1).

C. Biological activities

48. A non-resident inspection team was sent to Iraq from 3 to 10 December 1998 to conduct in-depth inspections of key biological sites. Iraq took actions to hinder the conduct of these inspections (S/1998/1172 and Corr.1).

49. During the period when the Commission's monitoring activities in Iraq were possible, the biological monitoring team carried out some 84 inspections of biological facilities and related sites. In addition, 12 inspections were carried out in conjunction with other weapons disciplines. Monitoring inspections discovered undeclared dual-use equipment, such as filter presses, biological safety cabinets and a fermenter control unit. Dual-use material, such as growth media which had not been declared by Iraq, was also discovered.

D. Declarations and national implementation measures

50. Under the Commission's monitoring plan, Iraq is required to provide to the Commission semi-annual declarations on activities, facilities, materials and other items that might be used for prohibited purposes. Iraq has not provided the declarations which were due on 15 January 1999. The Commission has not received any other notifications required from Iraq under the monitoring plan.

51. In the period under review, Iraq does not appear to have adopted the national implementation measures required under the Commission's monitoring plan to prohibit all natural and legal persons under Iraq's jurisdiction or control from undertaking anywhere any activity that is prohibited for Iraq under the relevant resolutions or the plan.

E. Export/import monitoring activities

52. During the reporting period, some 70 inspections were conducted. The group continued to verify the arrival of dual-use items notifiable under the export/import monitoring mechanism approved by the Security Council in its resolution

1051 (1996). After 15 December 1998, the Government of Iraq ceased to provide any notification forms on its import of notifiable items.

V. OTHER ISSUES

A. Air surveillance activities

53. All air surveillance activities undertaken by the Commission were suspended on 15 December 1998 and have not been resumed since that time. This includes the high-altitude surveillance undertaken by a U-2 aircraft, the medium-altitude surveillance conducted by a Mirage-IV aircraft and the low-altitude surveillance conducted by helicopters.

B. Provision of assistance

54. The Commission wishes to once again place on record its thanks to all those Governments which have provided assistance for the conduct of its operations. In particular, it wishes to note, with appreciation, the contribution made by the Government of Bahrain through the provision of facilities for the Commission's field office.

VI. CONCLUSIONS

55. As is evident from the body of this report, the Commission has not received, in the period under review, the cooperation required of Iraq to enable it to conduct its work as mandated by the Security Council. Unfortunately, this means that the Commission is not yet able to give the Security Council the assurances that it requires with respect to the final disposition of Iraq's proscribed weapons programmes and their possible reconstitution.

56. With respect to what remains of Iraq's disarmament obligations and current and future monitoring in Iraq, the position of the Commission remains as set out in the two reports which the Executive Chairman submitted to the President of the Council on 25 January 1999 (consolidated in S/1999/94).

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/402
9 April 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 9 APRIL 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am transmitting herewith the text of a statement which I made today concerning Kosovo. I have also transmitted this text to His Excellency Mr. Slobodan Milosevic, President of the Federal Republic of Yugoslavia, and to His Excellency Mr. Javier Solana, Secretary-General of NATO, and requested their cooperation.

I should be grateful if you would draw the text to the attention of members of the Security Council.

(Signed) Kofi A. ANNAN

99-10208 (E) 090499 090499

/...

STATEMENT OF THE SECRETARY-GENERAL

I am deeply distressed by the humanitarian tragedy taking place in Kosovo and in the region, which must be brought to an end. The suffering of innocent civilians should not be further prolonged. In this spirit, I urgently call upon the Yugoslav authorities to undertake the following commitments:

- to end immediately the campaign of intimidation and expulsion of the civilian population;

- to cease all activities of military and paramilitary forces in Kosovo and to withdraw these forces;

- to accept unconditionally the return of all refugees and displaced persons to their homes;

- to accept the deployment of an international military force to ensure a secure environment for the return of refugees and the unimpeded delivery of humanitarian aid; and

- to permit the international community to verify compliance with the undertakings above.

Upon the acceptance by the Yugoslav authorities of the above conditions, I urge the leaders of the North Atlantic Alliance to suspend immediately the air bombardments upon the territory of the Federal Republic of Yugoslavia.

Ultimately, the cessation of hostilities I propose above is a prelude to a lasting political solution to the crisis, which can only be achieved through diplomacy. In this context, I would urge the resumption of talks on Kosovo among all parties concerned at the earliest possible moment.

9 April 1999

UNITED NATIONS **E S**

Economic and Social Council
Security Council

Distr.
GENERAL

E/1999/12
S/1999/403
9 April 1999
ENGLISH
ORIGINAL: FRENCH

ECONOMIC AND SOCIAL COUNCIL
Resumed organizational session
for 1999
New York, 6 and 7 May 1999
Agenda item 1
ADOPTION OF THE AGENDA AND OTHER
ORGANIZATIONAL MATTERS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 7 April 1999 from the President of the Security Council to the President of the Economic and Social Council

I have the honour to acknowledge receipt of your letter dated 16 February 1999 (E/1999/7-S/1999/170).

I wish to confirm to you that the Security Council, in paragraph 8 of its resolution 1212 (1998), invited the Economic and Social Council to contribute to the designing of a long-term programme of support for Haiti. The members of the Security Council will continue to follow this matter and may have specific suggestions to make as to how the two Councils may cooperate in this regard. The President of the Council, in that case, will be in touch with you forthwith.

(Signed) Alain DEJAMMET
President of the Security Council

99-10226 (E) 120499 120499

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1999/404
9 April 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 1222 (1999) of 15 January 1999, in which the Security Council requested me to submit a report by 15 April 1999 on the progress of bilateral negotiations between the Republic of Croatia and the Federal Republic of Yugoslavia to resolve the disputed issue of Prevlaka, as well as on possible ways to facilitate a negotiated settlement, should the parties require such assistance. The present report covers developments since my report of 6 January 1999 (see S/1999/16).

2. The United Nations Mission of Observers in Prevlaka (UNMOP) consists of 27 United Nations military observers (see annex) headed by a Chief Military Observer, Colonel Graeme Williams (New Zealand). During the period under review, the UNMOP headquarters was relocated from Dubrovnik, where the United Nations presence in the area had been based since 1992, to Cavtat, which is located closer to the Mission's area of operations on Prevlaka. As a result of the relocation, the number of military observers was reduced from 28 to 27. It was expected that, following a period of consolidation, the relocation would allow UNMOP to streamline its operations, which in turn would permit a slight additional reduction in the number of military observers. However, developments in the region since 24 March 1999 have led the Mission to reconsider the proposed streamlining for the time being. UNMOP will continue to pursue this objective in the context of the current situation, including the possibility of further reducing the number of military observers, insofar as such reductions do not prejudice its operational activities. The current mandate of the Mission expires on 15 July 1999.

3. In accordance with its mandate, UNMOP continues to monitor the demilitarization of the Prevlaka peninsula and of the neighbouring areas in Croatia and the Federal Republic of Yugoslavia by carrying out vehicle and foot patrols on both sides of the border, except when prevented from doing so by restrictions of movement imposed by one party or the other. The Mission holds regular meetings with the local authorities in order to strengthen liaison, reduce tension, improve safety and security and promote confidence between the parties. The Chief Military Observer maintains contact with the authorities in

Zagreb and Belgrade in order to address issues arising from the implementation of resolution 1222 (1999). Cooperation between UNMOP and the multinational Stabilization Force is maintained through regular meetings.

II. SITUATION IN THE AREA OF RESPONSIBILITY OF THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

4. In the period between my report of 6 January 1999 (S/1999/16) and the commencement of the North Atlantic Treaty Organization's (NATO) military action against the Federal Republic of Yugoslavia on 24 March 1999, the situation in the UNMOP area of responsibility remained stable and free of significant tension. Since 24 March, tension has risen in the area, particularly in the Federal Republic of Yugoslavia (Montenegro). In the light of the security concerns arising from the NATO action, UNMOP military observers living in Herceg Novi were temporarily relocated to the Croatian side. Nonetheless, UNMOP continues to carry out limited patrolling on the Yugoslav side, with due consideration for the prevailing security situation.

5. As will be recalled, the area of responsibility of UNMOP consists of two United Nations-designated zones: a demilitarized zone (the so-called "Yellow Zone") and a United Nations-controlled zone (the so-called "Blue Zone"). Violations of both zones persisted during the period under review, including the standing presence of Yugoslav military personnel in the demilitarized zone and limitations placed on the free movement of the United Nations military observers by both parties. The continued presence of Yugoslav (Montenegrin) Border Police and Croatian Special Police in the demilitarized zone, as opposed to their presence in the United Nations-controlled zone, does not violate the security regime.

6. The most significant violation of the demilitarized zone is the continued presence of troops of the Yugoslav Army in the north-eastern part of the zone. Owing to long-standing constraints imposed by the Yugoslav authorities on the movement of United Nations military observers, UNMOP remains unable to ascertain the exact strength and armament of these units. The Yugoslav authorities, while denying unrestricted access to that area, had, until 24 March 1999, allowed escorted visits, along the main road only, when given a minimum of six hours' notice. On 10 March, the Yugoslav authorities provided a helicopter, which allowed the Chief Military Observer to survey much of the demilitarized zone from the air. No new military deployments were detected. Since 24 March, however, it has not been possible to patrol that area. On 9 April, an anti-aircraft gun was observed by UNMOP at Debeli Brijeg in the Federal Republic of Yugoslavia (Montenegro). The deployment of such a weapon in the demilitarized zone is a serious violation of the United Nations-mandated security regime that should be rectified immediately.

7. As mentioned in my last report (S/1999/16, para. 6), improved cooperation between Croatia and UNMOP during the preceding reporting period had led, inter alia, to improved access by UNMOP to Croatian positions in the north-western part of the demilitarized zone. While patrols were carried out in that area without obstruction after agreement was reached with the Croatian

authorities, the latter subsequently prevented UNMOP from patrolling in the northern part of the demilitarized zone on two separate occasions.

8. The long-standing violations of the demilitarization regime in the United Nations-controlled zone, as previously reported (see S/1999/16 and S/1998/939), continue unchanged. Approximately 25 Croatian Special Police are located at four positions and approximately 5 Yugoslav (Montenegrin) Border Police at two positions inside the zone.

9. On 15 January 1999, following an agreement reportedly reached between the Croatian authorities and the authorities of Montenegro, Croatia informed the Security Council that it had decided to "keep open permanently" crossing points at Debeli Brijeg, in the demilitarized zone, and at the tip of Cape Kobila in the United Nations-controlled zone (see S/1999/42). On 28 January, the Federal Republic of Yugoslavia informed the Council that it had sent a note to the Croatian Embassy in Belgrade stating that it was "opposed to a unilateral opening of any border crossing" on the grounds that opening border crossings between neighbouring countries presumed the existence of a joint agreement designating the location and regime of such crossings. As no such agreement had been concluded, it had therefore "rejected the proposal of the Republic of Croatia" (see S/1999/84). The opening of the crossing points has led to an increase in civilian traffic between Croatia and the Federal Republic of Yugoslavia (Montenegro), mostly through Debeli Brijeg.

10. While the opening of a crossing point at Debeli Brijeg does not constitute a violation of the demilitarized zone and was welcomed by the Security Council in resolution 1222 (1999) as a significant confidence-building measure in the normalization of relations between the two parties, the opening of a crossing point in the United Nations-controlled zone constitutes a violation of the security regime. The Croatian authorities continue to permit civilians, including Croatian and foreign tourists, to enter the area for recreational purposes and, in the case of local residents, for the purpose of crossing into the Federal Republic of Yugoslavia (Montenegro). The Montenegrin authorities, who until 20 January 1999 had not allowed any civilians to enter the United Nations-controlled zone, now permit local residents to do so for the purpose of crossing into Croatia. Further, the Croatian authorities have established a manned checkpoint in the United Nations-controlled zone near the already existing Montenegrin checkpoint. The establishment of both checkpoints and the presence of their personnel are violations of the United Nations-mandated security regime. As of 16 March 1999, the opening hours of the crossing point on Cape Kobila were reduced from 24 to 4 hours per day. As a result, UNMOP has been able to reduce its monitoring on Cape Kobila in proportion.

11. The waters of the United Nations-controlled zone continue to be violated frequently by Croatian and Yugoslav fishing boats and occasionally by Croatian police boats. Since 24 March 1999, there has been a marked decrease in the number of fishing and pleasure boats in the waters of Boka Kotorska and thus also in the waters of the United Nations-controlled zone.

12. In accordance with established procedure, UNMOP has continued to protest violations of both the demilitarized zone and the United Nations-controlled zone to the authorities in Croatia and the Federal Republic of Yugoslavia, including

the Republic of Montenegro, in order to encourage greater respect for the zones and to improve the freedom of movement of the United Nations military observers. UNMOP maintains the interpretation of the limits of the United Nations-designated zones as defined in reports of the Secretary-General to the Security Council since 1992, regardless of unilateral decisions by one party or the other not to respect the United Nations-mandated security regime.

13. During the reporting period, Croatian personnel have carried out demining along the road north of Dubravka in the demilitarized zone on the Croatian side. So far, however, neither Croatia nor the Federal Republic of Yugoslavia has put in place a comprehensive demining programme in the UNMOP area of responsibility. As a result, the situation of identified minefields in the area remains largely unchanged.

III. PROGRESS TOWARDS A NEGOTIATED SETTLEMENT

14. Both the Federal Republic of Yugoslavia and Croatia continue to indicate their willingness to resolve their dispute over Prevlaka through bilateral negotiations pursuant to the Agreement on Normalization of Relations signed by them at Belgrade on 23 August 1996 (see S/1996/706, annex). As previously reported, each Government has submitted a proposal for settling the dispute (see S/1998/533 and S/1998/632) and their negotiating teams have now held four rounds of talks: the first at Zagreb on 15 September 1998, the second at Belgrade on 9 October 1998, the third at Zagreb on 23 December 1998 and the fourth at Belgrade on 9 March 1999. In accordance with paragraph 4 of resolution 1222 (1999), in which the Council requested the parties "to report at least bi-monthly to the Secretary-General on the status of the negotiations", the Federal Republic of Yugoslavia and Croatia have provided me with their assessment of the status of the negotiations following their latest round of talks (see S/1999/291 and S/1999/313). To date, however, the parties have not made substantive progress towards a settlement of the dispute. Both have stated their intention to continue discussions through future meetings of their negotiating teams and through other bilateral contacts. The assistance of the United Nations in the search for a peaceful settlement of the issue has yet to be utilized.

IV. OBSERVATIONS

15. The opening of the crossing point at Debeli Brijeg is a welcome development. It has enabled residents of the two neighbouring countries to resume travelling, for business or for pleasure, to an area which, until recently, had been difficult to access. The benefits which could be anticipated to result from the opening of the crossing point, however, have yet to be fully realized. Although the crossing point remains open, the volume of traffic has been substantially reduced in recent weeks and the expected economic benefits will therefore take longer to materialize. An unhindered flow of traffic through Debeli Brijeg would constitute a significant confidence-building measure that would foster continued reconciliation between the two communities and contribute to the normalization of relations between the parties. It is my

sincere hope that a negotiated end to the current dispute in the Prevlaka area will enable the process of normalization of relations to continue.

16. Although the opening of the crossing point at Debeli Brijeg was protested by the Federal Republic of Yugoslavia as prejudging the outcome of the negotiations under way (see S/1999/84), the Yugoslav authorities have not intervened to close it. Nonetheless, as the opening of the crossing point did not result from a bilateral agreement between Croatia and the Federal Republic of Yugoslavia, I urge both Governments to regularize the existing situation in the context of their continuing bilateral negotiations concerning Prevlaka or through other contacts.

17. The opening of a local crossing point on Cape Kobila in the United Nations-controlled zone is a clear violation of the United Nations-mandated security regime. I regret this decision, which was taken in disregard for a regime which has been endorsed in successive reports of the Secretary-General, in resolutions of the Security Council and by the parties. The United Nations military observers report that the level of local traffic passing through the crossing point on Cape Kobila is negligible in comparison with the volume at Debeli Brijeg. Moreover, those persons transiting through the United Nations-controlled zone could easily use the crossing at Debeli Brijeg. This would suggest that the decision to open a crossing point on Cape Kobila was politically motivated, rather than intended to promote increased stability and freedom of movement in the area.

18. Under its mandate, UNMOP is obliged to record as a violation each unauthorized civilian entry into the United Nations-controlled zone, which includes the area of Cape Kobila, as well as the manned checkpoints of the Croatian and Montenegrin Border Police at that point. However, Croatia and the Federal Republic of Yugoslavia could, at their discretion, conclude a bilateral agreement to redefine the security regime in such a way that the opening of a crossing point in the United Nations-controlled zone did not result in a violation of the existing security regime. Until the United Nations has been officially informed by the parties that such an agreement has been reached, UNMOP will continue to report the operation of the crossing point on Cape Kobila as a violation of the security regime. In order to avoid such a violation, the crossing point could be closed until an agreement has been reached between Croatia and the Federal Republic of Yugoslavia.

19. I am encouraged that bilateral discussions between Croatia and the Federal Republic of Yugoslavia are continuing. However, it is extremely disappointing that substantial progress has still not been made even though more than six months have now elapsed since the initiation of negotiations on this issue and four rounds of talks have taken place. Once again, I urge the parties to negotiate constructively towards a peaceful resolution of their dispute. I recognize the limitations placed on this process by current events in the Federal Republic of Yugoslavia. These limitations, however, should not be used by one party or the other to achieve an objective outside the framework of bilateral negotiations as specified in their Agreement on Normalization of Relations. I urge both parties to show restraint and to maintain their resolve to seek a negotiated settlement. I also renew my earlier pledges (see S/1999/16, S/1998/939 and S/1997/1019) to place at their disposal the whole set

of instruments of the United Nations, including my good offices, should they require this assistance in their search for a peaceful settlement to their dispute.

20. While both parties have maintained regular contact with the Chief Military Observer and have generally continued to cooperate with UNMOP, the Mission has not been able to fully patrol its area of responsibility on either side. I therefore call upon the authorities of Croatia and the Federal Republic of Yugoslavia to allow United Nations military observers unrestricted access to all areas of the demilitarized zone at all times. It is readily apparent that UNMOP has, by its presence on the ground, played a key role in creating an environment within which a negotiated settlement can be reached. Its presence at this time serves additionally to minimize tensions that could develop as a result of events elsewhere in the region. I urge the parties to take full advantage of the stabilizing influence of UNMOP's presence in the area to pursue their discussions in a timely manner with a view to finding a mutually acceptable solution to their dispute and to continue to keep me informed of the progress of their talks, as requested by the Security Council in resolution 1222 (1999).

21. In conclusion, I would like to commend the Chief Military Observer and the men and women of UNMOP whose collective efforts continue to contribute to the maintenance of peace and security in their area of responsibility and who have assisted in the creation of conditions under which political negotiations could reach a successful conclusion.

Annex

Composition and strength of the military element of the United Nations Mission of Observers in Prevlaka as at 1 April 1999

Nationality	Number of military observers
Argentina	1
Bangladesh	1
Belgium	1
Brazil	1
Canada	1
Czech Republic	1
Denmark	1
Finland	1
Ghana	2
Indonesia	2
Ireland	1
Jordan	1
Kenya	1
Nepal	1
New Zealand	2
Nigeria	1
Norway	1
Pakistan	1
Poland	1
Portugal	1
Russian Federation	1
Sweden	1
Switzerland	1
Ukraine	1
Total	27

UNITED NATIONS **S**

Security Council

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S/1999/405
9 April 1999

ORIGINAL: ENGLISH

LETTER DATED 8 APRIL 1999 FROM THE PERMANENT REPRESENTATIVE OF AUSTRIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to the Conference on Peace and Tolerance in Kosovo, which was hosted by the Austrian Government in Vienna on 17 and 18 March 1999. The Conference brought together representatives from all major religions in Kosovo to discuss the current crisis in the region. The Vienna Declaration on Peace and Tolerance in Kosovo is the outcome of this dialogue (see annex).

It would be highly appreciated if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ernst SUCHARIPA
Ambassador
Permanent Representative of Austria
to the United Nations

Annex

Vienna Declaration on Peace and Tolerance in Kosovo*

We, the representatives of the Catholic, Islamic and Orthodox communities who have lived in Kosovo for centuries, wish to express our sincere thanks to the Appeal of Conscience Foundation for bringing us together for this unique and important opportunity to deliberate with one another concerning the fates of our peoples. We also wish to thank our generous Austrian hosts for bringing us together in this land of peace and tranquillity so that we could have thoughtful and fruitful discussions. We are grateful for the personal participation and support of the President of Austria, Thomas Klestil, Chancellor Viktor Klima, Minister for Foreign Affairs and Vice Chancellor Wolfgang Schüssel, and the encouragement of the President of the United States of America, Bill Clinton, the Secretary-General of the United Nations, Kofi Annan, His Holiness Pope John Paul II, the President of the European Community, Chancellor of the Federal Republic of Germany, Gerhard Schröder, the Secretary-General of the Organization of the Islamic Conference, Azedin Laraki, His All Holiness the Ecumenical Patriarch Bartholomew I, His Holiness Patriarch Aleksy II of Moscow and All Russia, the World Council of Churches and many others.

Further, we pray that the efforts in Paris concerning Kosovo will achieve the peace we are all seeking.

Our delegations have come to Vienna from a troubled region, one that has seen much bloodshed and injustice, and we, the emissaries of our faithful, wish to state unequivocally that the war that is now raging in our homeland, where our people are being killed and maimed, and where our homes and places of worship, and our schools and monuments are barbarously being destroyed, is not a war of religions. We state categorically that we are against the killing and destruction and that we stand for dialogue and negotiation to bring about the peace that God demands of us.

We are proud of our homeland and are tied to it by bonds that reach deep into past generations. We want to bequeath that legacy of pride in Kosovo to future generations. We also know only too well our troubled and tragic history. A history that has all too often pitted differing ethnic and religious communities against each other. We know that past conflicts have left deep scars, have caused unspeakable suffering and have brought forth veritable rivers of blood and tears. We cannot ignore those deep wounds and must grieve for those who have suffered.

Without forgetting our sorrows, however, we want to emphasize to our faithful and to all others in Kosovo that history is recounting the past. No one can change the immutable past. But the future is within our power to influence and direct. In the name of our faithful, we can demand an end to the suffering that has plagued our peoples for so long and call on all to look forward, to change the present era of confrontation to one of cooperation. We,

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* The Albanian and Serbian texts are translations of the original

therefore, enjoin all who are wrongly fuelling the fires of the bloody conflict now raging in our homeland to stop the killing and destruction and join us in the search for peace through discussions and negotiations.

Although our faiths differ, we maintain that human life is of ultimate value. We all serve God and abide by the commandments he has given us to follow. Therefore, we firmly denounce the killing and all acts of violence. We urge our faithful to solve their disagreements peacefully with those of other religions or ethnic backgrounds, as we have done during our discussions here and in the publication of this declaration.

We pledge that we will bring this message of cooperation home to our faithful, that we will distribute it within our communities, and that we will urge all to lay aside their weapons. Only then, when the weapons are silent and all religious and ethnic communities have the right to express their views through open and free discussions, can we achieve understanding, tolerance and cooperation and find equitable solutions to our differences.

It is with this in mind that we, the representatives of the Catholic, Islamic and Orthodox faiths in Kosovo, lay down these precepts:

1. Stop the killing and all acts of violence.

2. We call for a verbal ceasefire to end the polemics of hate and remind all of the words from Proverbs, "Life and death are in the power of the tongue".

3. In cooperation with the Appeal of Conscience Foundation, establish an ongoing interreligious "Conscience Contact Group" to continue the work begun by this Conference and to help advance the principle of "live and let live".

4. Allow all in Kosovo to live in peace, safety and freedom.

5. Insure safe and unimpeded travel in all areas of Kosovo.

6. Permit all in Kosovo to live, worship and work in the knowledge that their basic human and religious rights will not be violated.

7. Preserve and protect houses of worship, as well as religious and cultural monuments of all faiths.

8. Permit all ethnic and religious communities to retain their cultural and linguistic heritage and to freely allow those communities to provide education that will perpetuate that heritage.

9. Establish a viable system in Kosovo, one that reflects the wishes of those who live there without violating the rights of any minority.

10. We demand that all assistance from international humanitarian organizations to those in need in Kosovo be transmitted without hindrance and delay.

We, the undersigned, believe that it is our duty to God and to our faithful to state categorically that all must accept the way of non-violence and cooperation. Only then will there be an end to the killing and to the destruction of our homes and places of worship. We, therefore, demand of those who have resorted to misguided violent means to achieve their goals, to lay aside their arms, to withdraw their engines of terrible destruction, and to seize the initiative we offer from our hearts - cooperation and peace - to bring about a better and more fruitful life for all in Kosovo today, and for all those who will follow.

Vienna, Austria

18 March 1999

(Signed) Rabbi Arthur SCHNEIER
President
Appeal of Conscience Foundation

(Signed) His Eminence Reverend Marko SOPI
Catholic Bishop Kosovo

(Signed) His Eminence Kyr ARTEMIJE
Bishop of Raz Prizren, Kosovo
The Holy Synod of the Serbian
Orthodox Church

(Signed) Professor Quemal MORINA
Vice Dean, Faculty of Islamic Studies
Pristina, Kosovo

(Signed) His Excellency Viktor KLIMA
Federal Chancellor of Austria
Witness

UNITED NATIONS **S**

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12 April 1999

ORIGINAL: ENGLISH

LETTER DATED 11 APRIL 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have been instructed by my Government to inform you that on 9 April 1999 an act of aggression was committed against the Federal Republic of Yugoslavia from the territory of the Republic of Albania. The act represents a gross violation of international law and is in direct contravention of article 2, paragraph 1, of the Agreement concluded between the Federal Republic of Yugoslavia and the Republic of Albania in Tirana on 27 June 1978 on measures to prevent and resolve incidents on the Yugoslav-Albanian border.

The act of aggression took place at the 10-kilometre long State border line between the border posts of Morina and Kosare and its aim was to break the State border defences and create a bridgehead for an invasion by a substantial mechanized force. It was committed by the terrorist forces of ethnic Albanians from Kosovo and Metohija with the support of the armed forces of the Republic of Albania, using 120-mm mortars, multiple rocket launchers and heavy artillery. NATO forces were also directly involved in this illegal act by support fire from helicopters. It is estimated that the forces that attacked the Federal Republic of Yugoslavia numbered between 800 and 1,000 terrorists, including about 100 mujahedin.

The border units of the army of Yugoslavia repelled the aggression and the enemy forces were expelled from the territory of the Federal Republic of Yugoslavia by 3 p.m. on 10 April 1999. Enemy mortar and artillery fire, however, continued from the territory of the Republic of Albania.

In repelling the attack, the army of Yugoslavia sustained the following losses: two soldiers were killed and nine were wounded.

The Federal Republic of Yugoslavia requests the Security Council to condemn this act of aggression, which represents an involvement of a neighbouring country in the NATO aggression against the Federal Republic of Yugoslavia.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-10253 (E) 120499

UNITED NATIONS **S**

Security Council

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S/1999/407
12 April 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 8 APRIL 1999 FROM THE PERMANENT REPRESENTATIVE OF GERMANY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to draw your attention to the statement on the Libyan Arab Jamahiriya issued on 5 April 1999 by the Presidency of the European Union.

I should be grateful if you would have the text of this letter and its annex distributed as a document of the Security Council.

(Signed) Dieter KASTRUP
Permanent Representative of Germany
to the United Nations

Annex

[Original: English and French]

Brussels, 5 April 1999

Statement on the Libyan Arab Jamahiriya issued on 5 April 1999 by the Presidency of the European Union

The European Union welcomes the transfer by the Libyan Arab Jamahiriya to the Netherlands of the two individuals charged with the bombing of Pan Am flight 103 for the purpose of trial, as demanded by the Security Council in its resolution 1192 (1998) (as well as its cooperation with the competent French authorities, which has allowed a trial in the case of the bombing of UTA flight 772), thus bringing about the suspension of United Nations and European Union Lockerbie-related sanctions against the Libyan Arab Jamahiriya.

The European Union has always called for a full investigation into the responsibility for the bombing of Pan Am flight 103 and a fair trial of the suspects. The European Union is convinced that the arrangements made for the Scottish court sitting in the Netherlands will guarantee such a fair trial.

Full compliance with the stipulations of all relevant Security Council resolutions will enable the Libyan Arab Jamahiriya to regain its position as a full member of the international community in the near future. This will allow a re-examination of the question of the participation of the Libyan Arab Jamahiriya in the Barcelona process, which the European Union deems desirable. It is in the interest of stability in the Mediterranean basin that an important country in a strategic position, such as the Libyan Arab Jamahiriya, should not be excluded from this dialogue. This presupposes, however, that the Government of the Libyan Arab Jamahiriya must adopt and act in accordance with the basic principles laid down in the Barcelona Declaration. The suspension and, in due course, lifting of the sanctions will open up new perspectives for the social and economic development of the Libyan Arab Jamahiriya.

The European Union thanks the Secretary-General for his diplomatic contribution to reaching an understanding with the Libyan Arab Jamahiriya on the implementation of the Security Council resolution and also expresses appreciation for the contributions made by the Governments of South Africa, Saudi Arabia and other countries.